

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1331-138

von BORSTEL et al

C# M#

Serial No. 08/460,186

Group Art Unit: 1623

Filed: June 2, 1996

Examiner: Owens, H.

Date: September 12, 2001

Title: TREATMENT OF CHEMOTHERAPEUTIC AGENT AND ANTIVIRAL AGENT
TOXICITY WITH ACETYLATED PYRIMIDINE NUCLEOSIDES

Assistant Commissioner for Patents

Washington, DC 20231



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SEP 14 2001

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16C
OWENS

Sir:

IDS

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 80.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$270.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$710.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

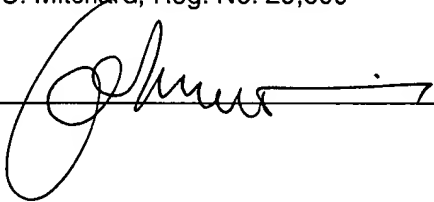
TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to our Account No. 14-1140 and if necessary to treat this as a petition for entry of the IDS. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.

By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

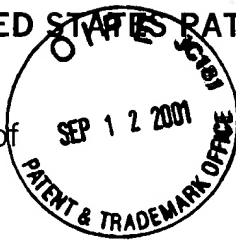
In re Patent Application of

von BORSTEL et al

Serial No. 08/460,186

Filed: June 2, 1996

For: TREATMENT OF CHEMOTHERAPEUTIC AGENT AND
ANTIVIRAL AGENT TOXICITY WITH ACYLATED
PYRIMIDINE NUCLEOSIDES



Atty. Ref.: 1331-138

Group: 1623

Examiner: Owens, H.

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* * * * *

September 12, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT

This paper is presented to draw the Examiner's attention to related copending applications and the art cited against claims in those cases. The present application is one of three co-pending applications containing claims related to the combination of certain acylated pyrimidines and an inhibitor of uridine phosphorylase. The other two cases are:

Serial No. 08/473,330, filed June 7, 1995 (attorney docket 1331-156); and
Serial No. 08/463,740, filed June 5, 1995 (attorney docket 1331-143).

Claims 18-19 of the present application are directed to a method, whereas Claims 101-102 of the '330 application and Claims 41 and 58-67 of the '740 application are directed to compositions. Claims 18 and 19 in the present case stand rejected, along with other claims, on alleged obviousness grounds over Martin et al. (Cancer Research, 1982) or Sommadossi et al. (Antimicrobial Agents and Chemotherapy, 1988) in view of Von Borstel (WO 89/03837) and Falcone et al. (Blood, 1990). Claims 101-102 of the '330 application stand rejected on

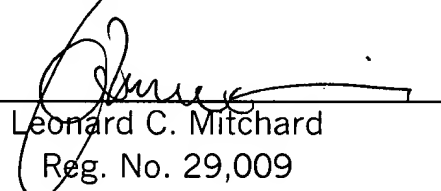
alleged obviousness grounds over Calabresi et al. (Blood, 76, 1990) in view of Von Borstel (WO 89/03837). Claims 41 and 58-67 of the '740 application stand rejected on alleged obviousness grounds over Von Borstel (WO 89/03837) in view of Chu et al. (U.S. patent 4,613,604).

All of the above-listed references except Chu et al (U.S. patent 4,613,604) are of record in the present case. For completeness, a copy of the Chu et al patent is attached together with a completed PTO 1449. Entry of the present paper into the record of this case is respectfully requested.

Respectfully submitted,

NIXON & VANDERHUYE P.C.

By: _____


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Attachments: PTO 1449 and Chu et al